

25<sup>th</sup> Street. He informed that Mr. Loo has decided that he wants to keep the agreement that he already has and he does not wish to development that water main now. Furthermore, he added that Robert Pickels, Yuma County Administrator, has asked that the City to develop that main if possible. Mr. Gimbut stated that the City has water impact fees available that could cover this cost. He added that it will be possible to recover those funds back from the lands that benefit from this, which will be Mr. Loo's land.

Mayor G. Sanchez asked if this was explained to Mr. Loo and is he was aware that eventually he will have to pay these funds back.

Mr. Gimbut replied that he and Jenny Torres, Community Development Director, spoke with Mr. Loo and explained to him. He added that the reason that he has decided to not go forward at this time is that he personally sees that the Gary Magrino Industrial Park is a competitor and he does not wish to help his competitor.

Mayor Sanchez asked once the money is recovered will it go back to water impact fees or can it be used in other area.

Mr. Gimbut explained that once the funds are recovered they will be recovered as enterprise funds in the water/utilities area. He informed that if this project is not done the grants will be lost; the grants are in the amount of approximately \$1 million.

Council Member J. Harper commented that this is an opportunity to develop this industrial park. He added that there are people looking to purchase land in that area.

**2. Discussion concerning Variance Case No. 2014-0333. A request by Adrian Saavedra, property owner, for a Variance to reduce the side yard setback from 7-feet to 0-feet to allow an existing structure on property located at 1405 E. Monreal Lane, San Luis, AZ. (This item was continued from the Regular Council meeting held November 12, 2014)**

Mr. John Starkey, Building Safety Director, provided Mayor and Council with a list of illegal structures that have been built over the past several months. He informed that most of the illegal shades were built by an unlicensed contractor from San Luis R.C. Sonora, Mexico. He mentioned that without an engineered review the City does not issued any permits, even if it is built in a legal spot, most of the structures are in a zoning violation in addition to be in a building code violation, because they are metal structure and by definition metal structures are to be engineering by a licensed structure engineer. Mr. Starkey informed that staff has sent out 12 letters from the 66 noted in the list. He added that there are people that already applied for variances from which one was denied and one was removed the structure.

Council Member J. Harper asked if a structure engineer is required for residential projects.

Mr. Starkey replied it is required because it is a metal frame structure, because these are no prescriptive designs in the building code for metal structures.

Mayor G. Sanchez asked why did staff waited so long to do something about this structures. He added that this is the main reason this item is been discussed; he mentioned that by not putting a stop on this issue, a huge problem was created. Furthermore, he added that he knows that there are more than 66 structures and no one has taken accountability.

Mr. Glenn Gimbut, City Attorney, mentioned that in 2010 he was asked to develop forms to enforce this problem. He added that he trained staff on how to handle this problem if needed to take it to court. He mentioned that in 2011, 2012 and 2013 the same was done and nothing got resolved. Furthermore he mentioned that this problem is getting bigger and bigger and do not know how to handle the issue, but it is a problem that needs to be solved.

Council Member M.A. Pinzon suggested putting a notice in the paper so that people are aware that these types of structures need to be approved by the City. He asked if there are any in the list that can be helped.

Mr. Starkey replied that there is one in the list that can be helped because is the rear property line and the rear property line is a street right-of-way. They don't need to have a setback, but they would still need an engineer for the structure.

Mr. Gimbut stated that these shades are unsafe structures as defined by the building code. And that code provide that when the owner does not do something about it then the City can and put a lien to recover the cost.

Mr. Starkey stated that if a variance is given to a structure, then the city will have to condition it to that structure.

Mayor G. Sanchez stated that now that staff has identified the problem, now a solution should be found.

Council Member M.A. Pinzon asked if staff has made contact with the person that is installing the metal structures.

Mr. Starkey replied that staff has made contact with this person and has informed him that he needs to obtain building permits for these structures.

Council Member M. Ramos asked if staff has made contact with the residents about this problem.

Mr. Starkey replied that staff has contacted them about this issued and has informed them that the structures are illegal, but sometimes they still continue to build them.

Council Member M. Ramos stated that staff should continue to notify the residents, so that they are aware that these structures are illegal to be built without a permit.

Council Member A. Luna-Carrasco asked what is going to happen if people refuse to take them down or to comply with the requirement.

Mr. Starkey replied that then this people will be referred to the Municipal Court.

Mayor G. Sanchez suggested that staff enforce this issued, by going to every single block and identify every structure and send them a letter and give them six months to remove the structures, after six months then staff starts enforcing, because it took staff six months to bring this issue to Council, this will be fair and they will have time to think about restructuring, re-engineering or going to court. He stated that staff should start working on this issue and do not wait so long to start working in enforcing this issue.

Mr. Starkey commented that his recommendation to Council is to send out notices to the resident and deal with a case by case basis.

Council Member A. Luna-Carrasco suggested notifying every resident so that they are aware that this structures need a building permit.

Mr. Ralph Velez, City Attorney, stated that this can be done through Facebook, City Website, newspaper, etc.

### **3. Adjournment**

**MOTION:** Vice-Mayor M. Rosales/Council Member A. Luna-Carrasco to adjourn the meeting at approximately